II. Remarks

Claims 1-8 were pending in this application and were rejected. The present amendment cancels claim 2, adds new claim 9 and amends claim 1 to more particularly point out and clarify Applicants' invention. No new matter has been added by the present amendment. After this amendment, claims 1 and 3-9 will be pending.

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

Claim Objections:

Claim 2 was rejected to under 37 CFR §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 2 has been cancelled by the present amendment and therefore, the objection of claim 2 is now moot.

Rejection under 35 U.S.C. § 102

Claims 1-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,364,348 issued to Jang, et al. ("Jang"). Claim 2 has been cancelled by the present amendment and therefore, the rejection of claim 2 is now moot. In view of the amendments and remarks contained herein, Applicants respectfully submit that the rejections of claims 1 and 3 are traversed.

Claim 1 has been amended to recite that the tether has opposed ends that are connected to the leading edges and the trailing edges with the laminar form of the tether

positioned substantially parallel to the leading and trailing edges. The length of the tether between the connections is less than the width of the layers forming the air-bag between the connections causing the layers to have some wrinkles or folds present between the leading and trailing edges when the air-bag is uninflated and the tether is in a flattened condition. Support for these amendments may be found in Applicants' application at paragraphs [0023]-[0024] and [0031]-[0032].

Jang discloses a side air-bag 500 for installation in a seat of a vehicle for deployment therefrom adjacent to the occupant. The side air-bag 500 is formed of a first panel 540 seamed together with a pair of second panels 550. The air-bag 500 has an upper chamber 504 and a lower chamber 505 partitioned by a tether 541 which is part of the first panel 540. The tether 541 forms a horizontal base of the upper chamber 504 and the second panels 550, which form the lower chamber 505, are seamed together with the tether 541 entirely around its perimeter for attachment of the lower chamber 505 to the upper chamber 504. *Jang* at Col. 4, lines 60-67 and Col. 5, lines 4-7 and Figures 4 and 6. As shown in Figure 12-13B, the panels 540 and 550 are seamed along a third seam 547 to form a rim 568 disposed at the periphery of the air-bag 500. *Id*. at Col. 8, lines 1-5. The tether 541 has two opposed ends connected to a right end 580 and an opposed left end of the air-bag 500 along the rim 568. Accordingly, the right end 580 and the opposed left end of the air-bag 500 along the rim 568 are most analogous to Applicants' claimed leading and trailing edges, respectively. Notably, the tether 541 is transverse to both the right end 580 and the left end of the air-bag 500 along the rim 568.

Furthermore, the tether 541 maintains the shape of the air-bag 500 by limiting expansion of the air-bag 500 in the forward, rearward and lateral directions. *Id*. at Col.

7, lines 8-11 and the Abstract. In particular and as illustrated in Figure 6, the opposed ends of the tether are semi-circular in shape and attach directly to the right end 580 and the left end of the air-bag 500 to define a semi-circular 3-D shape for the right 580 and left ends of the air-bag 500. Additionally, the tether 541 is attached along its perimeter to the panels 540 and 550 such that when the tether 541 is flat its perimeter defines and maintains the 3-D shape for the air-bag 500. Notably, the tether 541 when positioned flat does not cause any wrinkling or folding in the panels 540 and 550, but rather fills out the air-bag 500 so as to maintain the shape of the air-bag 500 corresponding to the perimeter of the tether 541.

This is unlike Applicants' invention where the laminar form of the tether is positioned substantially parallel to the leading and trailing edges and the length of the tether is less than the width of the layers, which form the air-bag between the connections with the edges, causing the layers to have some wrinkles or folds present between the leading and trailing edges when the air-bag is uninflated and the tether is in a flattened condition. Applicants believe that the rejection under § 102(b) is therefore improper and should be withdrawn. Accordingly, Applicants believe that claim 1 and its dependent claim 3 are in a condition for allowance.

Rejections under 35 U.S.C. §103

Claims 4 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jang in view of U.S. Patent No. 5,791,685 issued to Lachat, et al. ("Lachat"). In view of the amendments and remarks contained herein, Applicants respectfully submit that the rejections of claims 4 and 6 are traversed.

Since claims 4 and 6 depend from claim 1, and since Lachat fails to disclose that the laminar form of the tether is positioned substantially parallel to the leading and trailing edges and the length of the tether is less than the width of the layers, which form the air-bag between the connections with the edges, causing the layers to have some wrinkles or folds present between the leading and trailing edges when the air-bag is uninflated and the tether is in a flattened condition, the combination of Jang and Lachat cannot render the claims as obvious. Accordingly, Applicants believe that the rejections under § 103(a) are therefore improper and should be withdrawn.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jang in view of U.S. Patent No. 5,730,464 issued to Hill ("Hill"). In view of the amendments and remarks contained herein, Applicants respectfully submit that the rejection of claim 5 is traversed.

Since claim 5 depend from claim 1, and since Hill fails to disclose that the laminar form of the tether is positioned substantially parallel to the leading and trailing edges and the length of the tether is less than the width of the layers, which form the air-bag between the connections with the edges, causing the layers to have some wrinkles or folds present between the leading and trailing edges when the air-bag is uninflated and the tether is in a flattened condition, the combination of Jang and Hill cannot render the claim as obvious. Accordingly, Applicants believe that the rejection under § 103(a) is therefore improper and should be withdrawn.

Claims 7 and 8 were rejected to under 35 U.S.C. § 103(a) as being unpatentable over Jang in view of U.S. Patent No. 6,422,593 issued to Ryan ("Ryan"). In view of the amendments and remarks contained herein, Applicants respectfully submit that the rejections of claims 7 and 8 are traversed.

Since claims 7 and 8 depend from claim 1, and since Ryan fails to disclose that the laminar form of the tether is positioned substantially parallel to the leading and trailing edges and the length of the tether is less than the width of the layers, which form the air-bag between the connections with the edges, causing the layers to have some wrinkles or folds present between the leading and trailing edges when the air-bag is uninflated and the tether is in a flattened condition, the combination of Jang and Lachat cannot render the claims as obvious. Accordingly, Applicants believe that the rejections under § 103(a) are therefore improper and should be withdrawn.

Accordingly, Applicants believe that claims 4-8 are in a condition for allowance.

Claim 9 has been added by the present amendment and is believed to be allowable not only because it depends on claim 1, but also for its own specific elements recited therein.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

Dated: August 5, 2009

/Daniel P. Dailey/
Daniel P. Dailey, Reg. No. 54,054
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
524 SOUTH MAIN STREET
SUITE 200
ANN ARBOR, MI 48104
(734) 302-6000